

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2724

Introduced by Assembly Member Gatto

February 19, 2016

An act to add Part 7 (commencing with Section 9570) to Division 4 of the Civil Code, relating to unmanned ~~aircrafts~~: aircraft.

LEGISLATIVE COUNSEL'S DIGEST

AB 2724, as amended, Gatto. Unmanned ~~aircrafts~~: ~~liability of first responders~~: aircraft.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012 (FMRA 2012), provides for the integration of civil and public unmanned aircraft systems, commonly known as drones, into the national airspace system. Existing federal law imposes various operational safety requirements and aircraft certification requirements on aircraft, including unmanned aircraft. Existing federal law also generally requires an aircraft to be registered with the Federal Aviation Administration (FAA), and except as provided, prohibits a person from operating a United States registered aircraft unless that aircraft displays specified nationality and registration marks or from placing on any aircraft a design, mark, or symbol that modifies or confuses those nationality and registration marks. Existing federal law establishes an online and paper-based registration process for specified types of unmanned aircraft systems.

This bill would require a person who manufactures an unmanned aircraft for sale in this state to include with the unmanned aircraft a copy of FAA safety regulations applicable to unmanned aircraft and, if the unmanned aircraft is required to be registered with the FAA, a

notification of that requirement. The bill would require an unmanned aircraft equipped with global positioning satellite mapping capabilities to also be equipped with geofencing technological capabilities that prohibit the unmanned aircraft from flying within 5 miles of an airport. The bill would require the owner of an unmanned aircraft to procure adequate protection against liability imposed by law on owners of unmanned aircraft, including the payment of damages for personal bodily injuries and death, and for property damage, resulting from the operation of the unmanned aircraft. The bill would exempt an unmanned aircraft operated pursuant to a current commercial operator exemption issued pursuant to FMRA 2012 from its provisions.

~~Existing law provides certain individuals with immunity from civil liability under specific circumstances, including, among others, limiting the civil liability of a person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency, as specified.~~

~~The Government Claims Act sets forth the general procedure for the presentation of a claim as a prerequisite to the commencement of an action for money or damages against a “public entity” or a “public employee,” and defines those terms for its purposes. The act prohibits liability against a public entity or public employee for, among other things, certain acts relating to the provision of fire protection and police and correctional activities, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation that would provide immunity for first responders who damage or destroy drones that interfere with emergency operations.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 7 (commencing with Section 9570) is added
2 to Division 4 of the Civil Code, to read:

3

4 PART 7. UNMANNED AIRCRAFT

5

6 9570. This part shall be known and may be cited as the Drone
7 Registration Omnibus Negligence Prevention Enactment (DRONE)
8 Act.

1 9575. As used in this part, “unmanned aircraft” means an
2 aircraft that is operated without the possibility of direct human
3 intervention from within or on the aircraft.

4 9580. (a) A person who manufactures an unmanned aircraft
5 for sale in this state shall include with the unmanned aircraft both
6 of the following:

7 (1) A copy of Federal Aviation Administration safety regulations
8 applicable to unmanned aircraft.

9 (2) If the unmanned aircraft is required to be registered with
10 the Federal Aviation Administration, a notification of that
11 requirement.

12 (b) An unmanned aircraft equipped with global positioning
13 satellite mapping capabilities shall also be equipped with
14 geofencing technological capabilities that prohibit the unmanned
15 aircraft from flying within five miles of an airport.

16 9585. The owner of an unmanned aircraft shall procure
17 adequate protection against liability imposed by law on owners
18 of unmanned aircraft, including the payment of damages for
19 personal bodily injuries and death, and for property damage,
20 resulting from the operation of the unmanned aircraft.

21 9590. This part does not apply to an unmanned aircraft
22 operated pursuant to a current commercial operator exemption
23 issued pursuant to Section 333 of the Federal Aviation
24 Modernization and Reform Act of 2012 (Public Law 112-95 (Feb.
25 12, 2014) 126 Stat. 11, 75-76).

26 ~~SECTION 1. It is the intent of the Legislature to enact~~
27 ~~legislation that would provide immunity for first responders who~~
28 ~~damage or destroy drones that interfere with emergency operations.~~